



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6565
Facsimile: 651-266-6549*

DATE: July 1, 2015

TO: Planning Commission

FROM: Neighborhood Planning Committee

RE: Review of Proposed Commercial Development District at the Schmidt Brewery site

Background

Commercial development districts are designated areas across the city that are outside of Ward specific liquor license limits. Section 17.07.1 of the City Charter defines commercial development districts. Section 17.07.2 includes restrictions on liquor licenses for commercial development districts. Section 409.20 of the Legislative Code describes the process of creating new or amending existing districts. Relevant portions of these sections are excerpted below.

Section 17.07.1. Commercial development districts; patrol limits.

1. A commercial development district in an area within the city as designated herein, or created by the council hereafter in accordance with this section. Six (6) commercial development districts are hereby created, whose names and defined boundaries are indicated on maps attached hereto as Exhibits 1 through 6, which are incorporated and adopted herein by reference. The council may by ordinance create new or additional commercial development districts, or amend the boundaries of those already created, only in accordance with the following procedures:
 - (a) The proposed commercial development district shall be submitted in writing, accompanied by a map setting forth its boundaries; and
 - (b) Reasonable public notice of the proposed commercial development district shall be given by the license inspector to residents and organizations in the ward or wards in which said district is to be located; and
 - (c) The council or a committee thereof shall hold a public hearing in the ward or wards in which said district is to be located; and
 - (d) After the foregoing steps, an ordinance designating the new commercial development district and defining its boundaries is adopted upon the affirmative vote of at least five (5) members of the council.
2. The council may by ordinance adopt additional procedural and substantive requirements for the creation or amendment of commercial development districts.
3. The entire land area in each council ward, which has not been made part of a commercial development district, is a separate liquor patrol limit.

Section 17.07.2. Restrictions.

5. There shall be no limitation on the number of on-sale intoxicating liquor licenses which may be issued or renewed within, or transferred into, a commercial development district, except as set forth in paragraph (6) below. No restriction applicable to such licenses in liquor patrol limits in this section shall apply to such licenses in commercial development districts.
6. Notwithstanding the provisions of any law or this Charter allowing the issuance of on-sale intoxicating liquor license, not more than two hundred fifteen (215) such licenses shall be issued by the city. Priority shall be given, by ordinance, in the issuance of all such licenses first to applicants who purchase an existing business having an "on sale" license with the intent of operating said business at the same location for at least one year thereafter, and then to restaurants capable of seating and servicing meals to not less than one hundred (100) guests at one time and then to hotels having dining rooms capable of seating and serving meals to not less than fifty (50) guests at one time, and thereafter as the council may determine.

Section 409.20 of the Legislative Code:

- (a) Commercial development districts, as defined in section 17.07.1 of the City Charter, may be created or expanded by the filing in the office of the city clerk of a written petition therefor setting forth the boundaries of the expanded district, and containing the written consent of the owners of two-thirds of the several descriptions of real estate situate within the new or area of the expanded district, together with the written consent of the owners of two-thirds of the several descriptions of real estate situated within one hundred (100) feet of the new or expanded district, and after the affirmative vote in favor thereof by at least five (5) members of the city council.
- (b) The city council may waive the requirements for consent signatures if the city council shall determine that a hardship exists therefor, and in such case the council may, on its own, initiate the process of creating or expanding a commercial development district. In such case, the affirmative vote of at least five (5) members of the city council shall be required to create or expand any such district.
- (c) **In all such cases, the planning commission shall be consulted for advice concerning the proposals for consistency with the city's comprehensive plan and zoning ordinances, and the planning commission shall report in writing to the city council its findings and recommendations.**
- (d) Upon receipt of the report of the planning commission, the council's committee designated to hear license matters shall fix a date for public hearing to consider the petition or proposal to create or expand a commercial development district and afford an opportunity to all affected persons to be heard. The city clerk shall cause notice of the hearing to be published once in the official newspaper of the city, and mailed notice thereof shall be given by the department of safety and inspections to all owners of land within the new or area of the expanded district. Published notice and mailed notice shall be made at least twenty (20) days in advance of the public hearing.

On June 4th, an application was submitted to create a commercial development district for the former Schmidt Brewery site, to allow a potential new business on the site to apply for an intoxicating liquor

license. This commercial development district is proposed to include all of the buildings on the former Schmidt Brewery properties, and no other properties. The Planning Commission is being consulted for advice concerning the proposal's consistency with the City's comprehensive plan and zoning ordinances, as per section 409.20 of the Legislative Code.

The former Schmidt Brewery site has been a priority redevelopment site for the City for many years. The Schmidt Artist Lofts opened in 2013 after 11 years of building vacancy. The project includes almost 250 affordable rental units, as well as new three-bedroom townhouses adjacent to the historic buildings. Site planning has long envisioned mixed-use redevelopment.

Findings

After reviewing proposed commercial development district, the following findings have been made:

1. The former Schmidt Brewery site includes several buildings on three parcels at 928 West 7th Street, as shown on the attached map.
2. The proposed Commercial Development District is confined to the former Schmidt Brewery site.
3. The proposed Commercial Development District is consistent with the Saint Paul Comprehensive Plan, which designates the area surrounding and including the former Schmidt Brewery as a proposed Neighborhood Center. The Comprehensive Plan promotes "Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences." (strategy 1.15, page LU-13)
4. The proposed Commercial Development District is consistent with the West 7th Street/Fort Road District 9 Area Plan, which encourages supporting a node of businesses at the intersection of West 7th and Randolph.
5. The proposed Commercial Development District is consistent with existing zoning. The property is zoned T3, which permits bars and restaurants up to 5,000 and 15,000 square feet respectively, requiring conditional use permits for larger establishments.

Neighborhood Planning Committee Recommendation

Based on findings 1 through 5, the Neighborhood Planning Committee recommends that the Planning Commission report to the City Council that the proposed commercial development district for the former Schmidt Brewery site is consistent with the Saint Paul Comprehensive Plan and Zoning Code, and recommends that the Planning Commission support the creation of the Schmidt Brewery commercial development district.

city of saint paul
planning commission resolution
file number _____
date _____

Commercial Development District: Former Schmidt Brewery Site

WHEREAS, an application has been submitted to the City Council for the the creation of a Commercial Development District at the former Schmidt Brewery site pursuant to §17.07.1 of the City Charter and to §409.20 of the Saint Paul Legislative Code, for the purpose of removing the property from restrictions on the number of on-sale intoxicating liquor licenses allowed within the liquor patrol limits; and

WHEREAS, the Department of Safety and Inspections has consulted with the Planning Commission for advice concerning the proposal's consistency with the City's comprehensive plan and zoning ordinance pursuant to §409.20 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission has made the following findings of fact:

1. The former Schmidt Brewery site includes several buildings on three parcels at 928 West 7th Street, as shown on the attached map.
2. The proposed Commercial Development District is confined to the former Schmidt Brewery site.
3. The proposed Commercial Development District is consistent with the Saint Paul Comprehensive Plan, which designates the area surrounding and including the former Schmidt Brewery as a proposed Neighborhood Center. The Comprehensive Plan promotes "Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences." (strategy 1.15, page LU-13)
4. The proposed Commercial Development District is consistent with the West 7th Street/Fort Road District 9 Area Plan, which encourages supporting a node of businesses at the intersection of West 7th and Randolph.
5. The proposed Commercial Development District is consistent with existing zoning. The property is zoned T3, which permits bars and restaurants up to 5,000 and 15,000 square feet respectively, requiring conditional use permits for larger establishments.

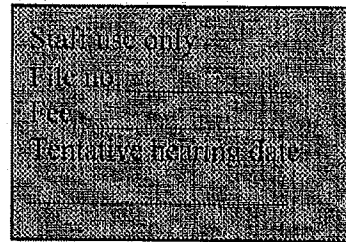
NOW, THEREFORE, BE IT RESOLVED, under provisions of the City Charter §17.07.1 and Legislative Code §409.20, that the Planning Commission hereby reports to the City Council that the proposed Commercial Development District is consistent with the Comprehensive Plan and Zoning Code, and supports creation of the proposed district.

moved by _____
seconded by _____
in favor _____
against _____



PETITION TO CREATE OR EXPAND A COMMERCIAL DEVELOPMENT DISTRICT

City Clerk
Room 170 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102
266-8989



APPLICANT

Property Owner Schmidt Key House LLC
Address 565 Holly Ave
City St. Paul St. MN Zip 55102 Daytime phone (651) 485 1738
Contact person (if different) Craig Cohen

PROPERTY LOCATION

Address/Location 928 W. 7th Street, St. Paul, MN
Legal description SEE ATTACHED 55102
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 17.07.1 of the City Charter and to Section 409.20 of the Saint Paul Legislative Code, the owners of property within the proposed new or area of the expanded commercial development district hereby petition you to create or expand a commercial development district to include the above described property for the purpose of removing the property from restrictions on the number of on-sale intoxicating liquor licenses allowed within the liquor patrol limit.

- ☒ Required map showing boundaries of proposed district
- ☒ Consent petition of owners of property within proposed district
- ☒ Consent petition of adjoining property owners
- ☒ Affidavit of petitioner
- ☒ Affidavit of person circulating consent petition(s)

(attach additional sheet(s) explaining the proposal if necessary)

Subscribed and sworn to
before me this 4th day
of JUNE, 2016.

Tanya Everson
Notary Public

By: CRAIG COHEN
Fee owner of property

Title: MANAGER / OWNER

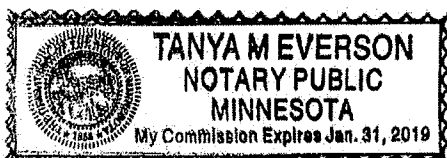


Exhibit A

Legal Description

Parcel A: (Torrens)

That part of Lot 1, Block 1, Schmidt Brewery Addition, Ramsey County, Minnesota, overlying the North 79.46 feet of the South 180.26 feet of the East 11.00 feet of Lots 1 through 5 Ramsey's Subdivision of the West Half of Block 26, Stinson, Brown & Ramsey's Addition. Together the West half of Webster Street, formerly Second Street, vacated, lying between the extensions across said street of the South line of said Lot 1 and the North line of said Lot 5.

Parcel B: (Torrens)

That part of Lot 1, Block 1, Schmidt Brewery Addition, Ramsey County, Minnesota, overlying Lots 1, 2, 3, 4, 5, 17, 18, 19 and 20, Ramsey's Subdivision of the West Half of Block 26, Stinson, Brown & Ramsey's Addition, excepting therefrom the North 79.46 feet of the South 180.26 feet of the East 11.00 feet of said Lots 1 through 5;

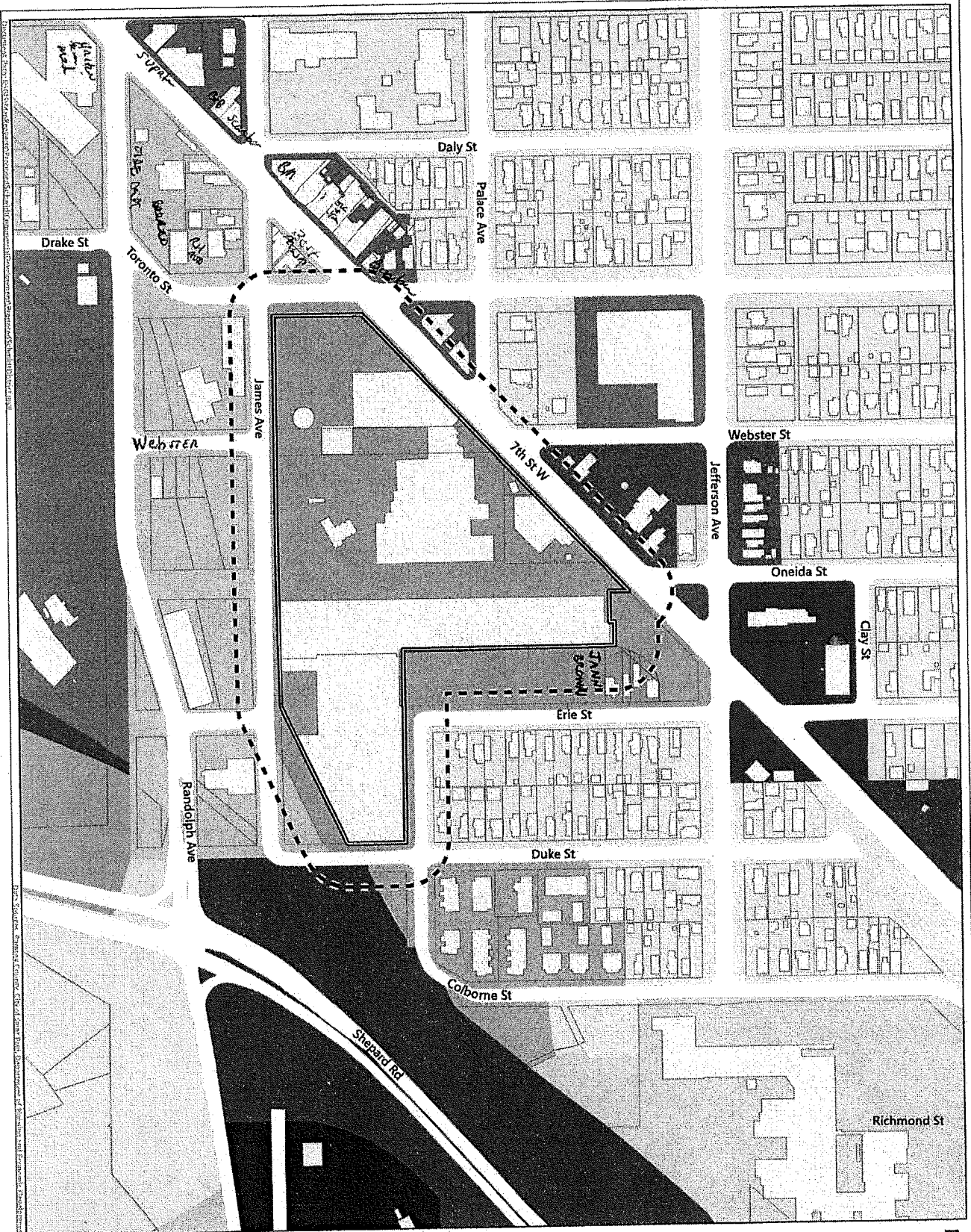
That part of Lot 1, Block 1, Schmidt Brewery Addition, Ramsey County, Minnesota, overlying Lot 16, Ramsey's Subdivision of the West Half of Block 26, Stinson, Brown & Ramsey's Addition;

That part of Lot 1, Block 1, Schmidt Brewery Addition, Ramsey County, Minnesota, overlying Lots 13, 14 and 15, Ramsey's Subdivision of the West Half of Block 26, Stinson, Brown & Ramsey's Addition, lying Southeasterly of the Southeasterly line of West Seventh Street.

Parcel C: (Abstract)

That part of Lot 1, Block 1, Schmidt Brewery Addition, Ramsey County, Minnesota, overlying Lots 6 and 7 and that part of Lots 8, 9 and 10 lying Southeasterly of the Southeasterly line of West 7th Street, all in Ramsey's Subdivision of the West Half of Block 26, Stinson, Brown & Ramsey's Addition to St. Paul.

Torrens and Abstract Property.



Proposed Schmidt Commercial Development District

Zoning Districts

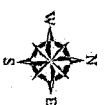
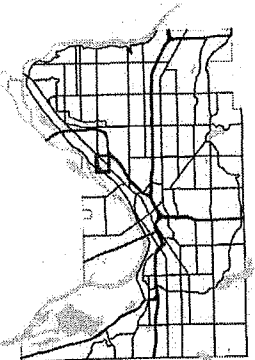
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- T3 Traditional Neighborhood
- OS Office-Service
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- I2 General Industrial
- I3 Restricted Industrial

Proposed Schmidt Commercial Development District

100ft Proximity

Lot Lines

Building Footprints



CITY OF SAINT PAUL

CONSENT OF OWNERS OF PROPERTY WITHIN A PROPOSED COMMERCIAL DEVELOPMENT DISTRICT

We, the undersigned, owners of property within the new or area of the expanded commercial development district acknowledge that we have been presented with the following:

1. A copy of the petition of CRAIG COHEN,
(name of petitioner)
to create or expand a commercial development district on property located at 928 WEST 7TH STREET,
ST. PAUL, MN 55102, along with
a map showing the boundaries of the proposed district, for the purpose of removing the property from
restrictions on the number of on-sale intoxicating liquor licenses allowed within the liquor patrol limit.
2. A copy of Section 17.07 of the City Charter and Section 409.20 of the Saint Paul Legislative Code;
and acknowledge that we are aware that there is no limitation on the number of on-sale intoxicating
liquor licenses in a commercial development district, except as set forth in Section 17.07.2(6) of the City
Charter. We hereby consent to the petition of:

CRAIG COHEN to create/expand a commercial development district.
(name of petitioner)

We consent to the approval of this commercial development district as it was explained to us by the
applicant or his/her representative.

ADDRESS OR PIN#	RECORD OWNER	SIGNATURE	DATE
961 WEST 7 TH ST.	OWNER - SCARBOROUGH	<i>[Signature]</i>	5-21-15
965 West 7 th St	Bellies to Babies	<i>[Signature]</i>	5/21/15
961 West 7 th	Sup ^{tr} , Thine	<i>[Signature]</i>	5-21-15
976 W. 7 th St.	Owner - Jandrich Floral	<i>[Signature]</i>	5-21-15
957 W 7 th St	BEARDED MERVIN	<i>[Signature]</i>	5-21-15
112 2523230128			
882 West 7 th	West 7 th Food	<i>[Signature]</i>	5/26/15
122823230137	West 7 th Food	<i>[Signature]</i>	
888 West 7 th St.	BHGDN, LLC	<i>[Signature]</i>	6-3-2015
543 James	BHGDN, LLC	<i>[Signature]</i>	6-3-2015

NOTE: The petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the City Clerk. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

Kaeg House

CITY OF SAINT PAUL

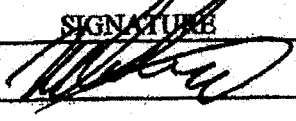
CONSENT OF OWNERS OF PROPERTY WITHIN A PROPOSED
COMMERCIAL DEVELOPMENT DISTRICT

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Charter. We hereby consent to the petition of:

CRAIG COHEN to create/expand a commercial development district,
(name of petitioner)

We consent to the approval of this commercial development district as it was explained to us by the
applicant or his/her representative.

ADDRESS OR PIN#	RECORD OWNER	SIGNATURE	DATE
900 W. 7th St.	St Paul Leased Housing Associates IV, L.P.		5/29/15

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after it is received by the City Clerk. Any signator of this petition may withdraw his/her name therefrom
by written request within that time.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR CREATION OR EXPANSION OF A COMMERCIAL DEVELOPMENT DISTRICT

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of CRAIG COHEN,
(name of petitioner)

to create or expand a commercial development district on property located at 928 WEST 7TH STREET
ST. PAUL, MN 55102, for the purpose of removing the property from
restrictions on the number of on-sale intoxicating liquor licenses allowed within the liquor patrol limit.

2. A copy of Section 17.07 of the City Charter and Section 409.20 of the Saint Paul Legislative Code;
and acknowledge that we are aware that there is no limitation on the number of on-sale intoxicating
liquor licenses in a commercial development district, except as set forth in Section 17.07.2(6) of the
City Charter. We hereby consent to the petition of:

CRAIG COHEN to create/expand a commercial development district.
(name of petitioner)

We consent to the approval of this commercial development district as it is explained to us by the
applicant or his/her representative.

ADDRESS OR P.I.N. #	RECORD OWNER	SIGNATURE	DATE
949 W 7th St	Owner Joe A STANIS	John Kelly	5-21-15
941 W 7th St	Owner Artista	Michael Derly	5-21-15
933 W. 7th St	Owner Music Go Round	Jeffrey H. H. H.	5-21-15
925 W. 7th St	OWNER 7TH STREET BARBERS	ATK	5-21-15
966 W 7th St	Owner Best pawn + CSLK	CSLK	5-21-15
940 W 7th St	Owner CSLK	CSLK	5-21-15
459 TORONTO ST	STANAN R. H. Ato	Stanan R. H. Ato	5-21-15
630 JAMES AVE	Frederick J. Brown	Frederick J. Brown	5-21-15
974 West 7th	West 7th Federal	FCIL	5/26/15
974 West 7	West 7th Federal	FCIL	5/26/15
372 Erie Street	owner	Jim GSR	5-28-15

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CITY OF SAINT PAUL

CONSENT OF OWNERS OF PROPERTY WITHIN A PROPOSED COMMERCIAL DEVELOPMENT DISTRICT

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2. A copy of Section 17.07 of the City Charter and Section 409.20 of the Saint Paul Legislative Code; and acknowledge that we are aware that there is no limitation on the number of on-sale intoxicating liquor licenses in a commercial development district, except as set forth in Section 17.07.2(6) of the City Charter. We hereby consent to the petition of:

CRAIG COHEN to create/expand a commercial development district.
(name of petitioner)

We consent to the approval of this commercial development district as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN#	RECORD OWNER	SIGNATURE	DATE
375 Erie St	Janet Brown	JANET BROWN	5-28-15
399 Erie St	Guadalupe	Guadalupe Zubin	6-2-15
410 Erie St.	Bree Madant	Bree Madant	6-2-15
408 Erie St	KRISTINE KANTZMAN	Kristine Kantzman	6/2/15
406 Erie St	ANDREW LAWTON	Andrew Lawton	6/2/15
899 W 7th street	Boris Tsvetkovat	B. Tsvetkovat	07/03/15
915 W 7th St	FAT COSCELLO	FAT COSCELLO	06/03/15
915 W 7th	Tom Costello	Tom Costello	6/5/15

NOTE: The petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the City Clerk. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

PETITION TO CREATE OR EXPAND
A COMMERCIAL DEVELOPMENT DISTRICT
AFFIDAVIT OF PETITIONER

STATE OF MINNESOTA)

: SS

COUNTY OF RAMSEY)

The petitioner, CRAIG COHEN, being first duly sworn, deposes and states that the consent petition contains signatures from at least two-thirds ($\frac{2}{3}$) of all eligible properties within 100 feet of all property owned, purchased, or sold by petitioner within one (1) year preceding the date of this petition which is contiguous to the property described in the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signatures are the true and correct signatures of each and all of the parties so described.

CRAIG COHEN
NAME

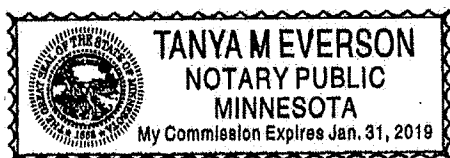
565 HOLLY AVE., ST. PAUL, MN 55102
ADDRESS

(651) 485-1738
TELEPHONE NUMBER

Subscribed and sworn to before me
this 4th day of JUNE, 2015

Tanya M. Everson
NOTARY PUBLIC

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8/3/99

**AFFIDAVIT
OF PERSON CIRCULATING THE CONSENT PETITION**

STATE OF MINNESOTA)

: SS

COUNTY OF RAMSEY)

CRAIG COHEN, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 9 pages; that affiant represents that the parties described on the consent petition are all the respective owners of the properties placed immediately before each name; that affiant is informed and believes that each of the parties described on the consent petition is an owner of the property which is within 100 feet of any property owned, purchased, or sold by petitioner within one (1) year preceding the date of this petition which is contiguous to the property described in the petition; that none of the parties described in the consent petition has purchased or is purchasing property from the petitioner that is contiguous to the property described on the consent petition within one (1) year of the date of the petition; that this consent was signed by each of said owners in the presence of this affiant, and that the signatures are the true and correct signatures of each and all of the parties so described.

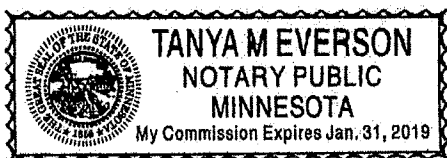
CRAIG COHEN
NAME

565 HOLLY AVE., ST. PAUL, MN 55102
ADDRESS

(651) 485-1738
TELEPHONE NUMBER

Subscribed and sworn to before me
this 2/TH day of JUNE, 2015

Tanya M. Everson
NOTARY PUBLIC



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8/3/99